



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

**Council Chambers – 100 Civic Center Drive
Wednesday, July 10, 2013 – 6:00 PM**

Harbor Commission Members:

**Doug West, Chair
Karen Rhyne
Joe Stapleton**

**Brad Avery
Paul Blank**

**Duncan McIntosh
David Girling**

Staff Members:

**Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor**

Council Liaison:

Nancy Gardner

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- 1) **CALL MEETING TO ORDER**
 - 2) **ROLL CALL**
 - 3) **PLEDGE OF ALLEGIANCE**
 - 4) **WELCOME NEW COMMISSIONER JOE STAPLETON**
 - 5) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 6) **APPROVAL OF MINUTES** – June 12, 2013 Minutes
- 7) **CURRENT BUSINESS**

1. ***Election of Officers***

The Harbor Commission will elect officers for the 2013-14 year.

Recommendation:

- 1) Elect Chairman.
 - 2) Elect Vice-Chairman.
 - 3) Elect Secretary.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

2. *Review Harbor Commission Objectives for Fiscal Year 2012-13*

The Commission will review the progress made on the Commission's objectives during fiscal year 2012-13.

Recommendation:

1) Receive and file.

8) SUBCOMMITTEE REPORTS

9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

13) DATE AND TIME FOR NEXT MEETING: Wednesday, August 14, 2013, 6:00 PM

14) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, June 12, 2013
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:08 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair – Absent (Excused)
Brad Avery – Absent (Excused)
Paul Blank
David Girling
Duncan McIntosh
Karen Rhyne
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner - Absent

3) PLEDGE OF ALLEGIANCE – Commissioner Rodheim

4) SPECIAL CEREMONY RECOGNIZING COMMISSIONER RODHEIM'S LAST HARBOR COMMISSION MEETING. PUBLIC COMMENTS WELCOME.

Commissioner Duncan McIntosh provided a brief history of Commissioner Ralph Rodheim's participation in the City and the Harbor Commission and listed his accomplishments. He read a letter from Chair Doug West expressing appreciation to Commissioner Rodheim for his eleven years of service on the Harbor Commission and his advice, support and encouragement.

Harbor Resources Manager Chris Miller presented Commissioner Rodheim with a plaque in recognition and appreciation of his service to the City.

Commissioner Karen Rhyne commented on Commissioner Rodheim's advocacy of the Harbor and the City and expressed her appreciation for his help throughout the last seven years.

Commissioner McIntosh presented a copy of a recent article from "The Log" newspaper to Commissioner Rodheim.

Commissioner Rodheim expressed appreciation to his wife for her support and to the City and his colleagues for supporting the Harbor. He addressed the importance of the Harbor to the City and residents, having a liaison with the City Council, keeping Council apprised and the evolution of the Commission. He encouraged the Commission to keep up the good work and thanked staff for their efforts.

5) PUBLIC COMMENTS

Commissioner McIntosh invited those interested in addressing the Commission to do so at this time.

Jim Mosher congratulated and expressed his appreciation to Commissioner Rodheim for his service and commented on the Harbor Code noting that Council recently adopted an ordinance amending two-hundred

and nine sections of the Municipal Code, including Title 17 of the Harbor Code. He expressed concerns that the matter was not brought up for the Harbor Commission's review.

Len Bose referenced various recent articles and discussions with Deputy Scoles, who is in charge of moorings, regarding the waiting list and how it might work. He indicated there is still need for additional clarity on the matter and commented on a State program (VTIP) and felt that it may be a useful program. Additionally, he addressed use and intensity of the Harbor and suggested additional review.

It was noted that the County has applied for VTIP funds and that the agenda tonight includes an update on moorings in the Harbor.

There being no others wishing to address the Harbor Commission, Commissioner McIntosh closed the Public Comments portion of the meeting.

6) APPROVAL OF MINUTES - May 8, 2013, Regular Meeting

Motion: Commissioner Blank made a motion to approve the minutes of the Harbor Commission May 8, 2013, Regular Meeting. Commissioner Rhyme seconded the motion, which carried with 5 ayes and 0 noes and Chair West and Commissioner Avery, absent. Approved.

7) CURRENT BUSINESS

1. Mooring Update

Staff will present an update on moorings in Newport Harbor including related topics such as fees, derelict vessels, Harbor Patrol contract, mooring rules and regulations, and mooring field realignment.

Recommendation:

- 1) Receive and file.

Harbor Resources Supervisor Shannon Levin presented background on the matter and presented an update on moorings in Newport Harbor. She addressed a contract awarded to the Sheriff's Harbor Patrol and addressed the scope of the contract. She reported on Harbor Patrol staff, the turn-in process, contacting people on the waiting list, related fees, and location of moorings, selling/swapping moorings and termination of private party buying and selling in the future.

Ms. Levin addressed resizing mooring footprints as needed, mooring realignment, mooring fees, calculating mooring fields based on marina indexes, implementation of fees over a five-year period, yearly mooring rates for 2013, derelict vessels and moorings, details of the VTIP program and the Abandoned Water Craft Abatement Fund. She noted that the County has applied for both of the programs, and should receive funding in late June or early July and will partner with the City to address derelict and abandoned vessels.

Discussion followed regarding the process for addressing abandoned vessels and those unwilling to let go of their boats and revoking moorings.

Ms. Levin reported completion of D, F and G fields and Newport Harbor Yacht Club mooring realignments, the status of C field, updating fees and mooring contacts. She addressed the number of live-aboards, annual inspections and annual fees.

Discussion followed regarding legal forms of permit holders, the legacy progression and the status of a commercial barge that is partially submerged at the mooring fields by Marina Park.

Interested parties were invited to address the Harbor Commission on this matter.

Len Bose commented positively on the Harbor Patrol staff, the number of dinghies allowed on vessels, allowing double-ended floating docks and wondered regarding defining derelict boats.

It was noted that it would relate to a vessel that would be able to leave the Harbor by its own power in addition to other criteria. It was noted that notices are regularly sent to those on the waiting list.

Jim Mosher referenced Resolution 2010-32 which set fees for mooring permits and a promise that Council would revisit them at the end of the process. He wondered when Council will address the matter.

There being no others wishing to address the Harbor Commission, Commissioner McIntosh closed public comments for this item.

Motion: Commissioner Rodheim made a motion to receive and file the report. Commissioner Blank seconded the motion, which carried with 5 ayes and 0 noes and Chair West and Commissioner Avery, absent. Approved.

2. Shore Power Issues at Commercial Marinas

The Harbor Commission will discuss the issue of shore power at commercial marinas with respect to the adequacy of the power provided vs. the individual needs of the tenants. The Harbor Commission has learned that some marinas may not be providing sufficient power for their larger vessels, therefore prompting prolonged use of on-board generators which tend to be noisy and may disturb adjacent tenants both land and waterside. The Harbor Commission will consider recommending that the City Manager address this issue in the upcoming leases with commercial marinas.

Recommendation:

- 1) Receive and file; or
- 2) Recommend to the City Manager that additional terms be inserted into the upcoming commercial leases requiring adequate power at all commercial marinas.

Harbor Resource Manager Chris Miller presented details of the report addressing shore power at commercial marinas, including complaints received regarding noise from idling generators. He noted that the issue involves the adequacy of power generation at commercial marinas with larger vessels and addressed a specific complaint from Ardell. Mr. Miller reported on efforts to address the matter and stated that Hornblower has changed their operating procedures to only run generators that are furthest from the Ardell property and only for forty-five minutes prior to departures. He stated that after careful review, it was discovered that noise was not an issue. He reported that both parties agreed that the issue has been diffused.

Mr. Miller addressed recommendations and reported speaking with various organizations regarding the matter, and the need to manage power, and circuits available needed for larger vessels. He reported that length of boat does not necessarily mean higher amperage but that amperage is dictated on requirements. Additionally, he addressed what constitutes an "appropriate" amount of power and generation of noise issues addressed by the Municipal Code and Code Enforcement. He presented options for consideration by the Harbor Commission at this time and possible recommendations.

Discussion followed regarding receiving and filing the matter and addressing safety components at a later date and whether Title 11 of the Municipal Code is appropriate, and practices at Lido Village for addressing power at the docks and charters.

Interested parties were invited to address the Harbor Commission on this matter.

Len Bose commented on safety issues and wondered regarding electrical cords hanging over the water.

Motion: Commissioner Rodheim made a motion to receive and file the report. Rodheim also commented that a sub-committee be formed, Chaired by Commissioner Avery, to look at the issue of safety as well as other components. Commissioner Blank seconded the motion, which carried with 5 ayes and 0 noes and Chair West and Commissioner Avery, absent. Approved.

3. Public Piers Update

Commissioner Blank will present an update on public piers including related topics such as visitor serving amenities and planning for additional public piers.

Recommendation:

- 1) Receive and file.

Commissioner Blank presented an update on public piers addressing objectives of the sub-committee, review of existing piers and shore-side businesses, agency and community input, visitor serving amenities and planning for additional public piers. He addressed short and long-term benefits of the recommendations developed and other recommendations that were found to not specifically address boater or visitor access to Harbor area businesses and amenities.

Commissioner Blank noted that many piers are in great shape and are well-used. He addressed signage, renovation efforts by the City and utilization of piers with and without amenities.

Commissioner Rodheim commended Mr. Miller and his staff in their efforts to upgrade piers and floats.

Commissioner Blank addressed opportunities for improvement, priority of amenities desired and categories of amenities, surveys performed of Harbor and pier users, a map of public piers in the Harbor and location and concentrations of preferred amenities, findings and recommendations related to existing piers, opportunities for additional public piers and next steps.

Members of the Harbor Commission commented positively on the quality of the report. It was noted that the Fun Zone is under-served and there needs to be increased public access in the area.

Discussion followed regarding reconfiguring outer pilings, dense and commercial activities at the Fun Zone, implementing an adopt-a-pier program, prohibiting or allowing fishing, enforcement, establishing a position of Pier Ranger and related duties, proposed locations for new piers and implementation of weekly cleaning at existing piers.

Mr. Miller commented on the recommendations and felt there are a lot of possibilities.

Commissioner Blank addressed the responsibility of enforcement by the Harbor Patrol and the possibility of extending the definition of public parks to public piers.

Brief discussion followed regarding increasing use by promoting locations and amenities of public piers.

Interested parties were invited to address the Harbor Commission on this matter.

Jim Mosher commented positively on the report and addressed providing access to the City's Harbor Guide at the Public Works Department and the proposed new pier location at the Irvine Company's Balboa Marina.

Regarding the latter, Mr. Miller reported that the matter needs more vetting and analysis.

Len Bose commented on enforcing time limits at public piers and the possibility of implementing parking permits for mooring permit owners.

There being no others wishing to address the Harbor Commission, Commissioner McIntosh closed public comments for this item.

Brief discussion followed regarding the public pier at Balboa Marina.

Motion: Commissioner Rhyne made a motion to receive and file the report. Commissioner Girling seconded the motion, which carried with 5 ayes and 0 noes and Chair West and Commissioner Avery, absent. Approved.

8) SUBCOMMITTEE REPORTS

Commissioner Rodheim reported meeting with the City Manager and the City Attorney regarding Harbor lines and stated their recommendation was to present the matter to the Tidelands Management Committee which will be held at 4:00 p.m. on Wednesday, June 19, 2013.

Commissioner Girling presented an update on Lower Castaways and reported on an upcoming meeting with the City Manager to obtain further direction and include a representative from the Parks, Beach and Recreation Commission. Additionally, he reported working with Coast Keepers to discuss the issue of the Lower Castaways being a Marine Protected Area (MPA) and the possibility of redistricting it. The goal of the sub-committee is to present to the Harbor Commissioner before the end of the year.

9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES - None

10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Ms. Levin presented an update on the sand replenishment project on Balboa Island and reported that permits were issued last week so that the project will be progressing.

Brief discussion followed regarding areas replenished within the sand replenishment project.

Mr. Miller commented on the completion of replacing the five Harbor pump-outs, upcoming commercial pier lease process, status of the RGP permit process and status of Marina Park including next steps.

11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER - None

12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Commissioner McIntosh commented on a recent discussion with the USEPA regarding copper paints and referenced an article in "The Log" regarding the matter.

13) DATE AND TIME FOR NEXT MEETING: Wednesday, July 10, 2013, 6:00 PM

14) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:00 p.m.

Newport Harbor Commission Objectives FY 2012 – 13

September 12, 2012

The 2012-13 Harbor Commission Objectives will be presented to the City Council as part of a *State of the Harbor* presentation. These objectives are intended to support the mission of the Harbor Area Management Plan, which is:

“To protect and improve the resources of Newport Harbor, Upper Newport Bay, and the ocean beaches to ensure their proper use and enjoyment by all things that derive life, recreation, or commerce from our City’s most important asset.”

In keeping with this mission, the Commission’s objectives for the coming year are intended to advance two over-arching purposes: (1) ensuring the long term welfare of our Harbor for all residential, recreational, and commercial users; (2) promoting Newport Harbor as a preferred and welcoming destination for visiting Southern California boaters and long-distance cruising yachts.

Ensuring the Long Term Welfare of Newport Harbor

1) Investigate potential solutions to two long-standing obstacles to maintenance dredging of private docks and areas of the harbor that are outside the scope of USACE projects. The primary obstacles are (1) the difficult permitting process and (2) a lack of small scale dredging operators. New environmental permitting strategies and effective deployment of smaller scale dredging equipment (public or private) will be studied and benchmarked with other California harbor communities. Report findings to the Council. [West, McIntosh, Avery]

2) Develop recommendations for the highest and best public use of Lower Castaways, the last remaining undeveloped city-owned waterfront property. Report recommendations to the Council. [Avery, Girling, Rhyne]

3) Engage Harbor Resources Staff, City Attorney’s Office and USACE to test willingness to undertake the process of resetting the harbor lines and develop consensus in defining the best approach to this project. Report findings to the Council, seeking Council’s approval to proceed. [Rodheim, Rhyne]

4) Develop recommendations to the City Council for greater effectiveness in the enforcement of certain provisions of the Harbor Code, including but not limited to:

Speed limit exception for sanctioned human powered and sail racing events
[West, Blank]

Rehabilitation or removal of derelict vessels
[West, Avery]

5) Identify strategies to improve boating education opportunities for beginners, novices and experts – particularly targeting Newport Beach residents. [Blank, Rodheim]

6) Identify strategies to maintain water-related businesses on the harbor. Develop recommendations to the Council. [McIntosh, Rodheim]

7) Continue ongoing study and investigation of vessel overhang regulations and general compliance throughout the harbor. Report to the Council with recommendations, if deemed appropriate. [Rhyne, Rodheim]

8) Develop a more effective public outreach to communicate the Harbor Commission's role, purpose, and objectives as a citizen advisory voice for the harbor community. [Girling, Avery]

9) Continue ongoing study of alternative mooring design solutions. Report recommendations to the Council, if deemed appropriate. [Rodheim, Avery]

Promoting Newport Harbor as a Preferred and Welcoming Destination

1) Collaborate with Visit Newport Beach, Inc. to identify existing strengths, weaknesses and opportunities for developing our harbor as an even more desirable destination for visiting cruisers. Define specific strategies for increasing the number of visiting vessels, improving the visitor experience, and supporting the businesses that serve our visitors. [Blank, Girling, West]

2) Evaluate public anchorage alternatives and develop a recommendation to the Council, specifically addressing the concept of retaining the Turning Basin anchorage recently established as a temporary measure during the 2012 harbor dredging project. [West, Avery]

3) Continue to evaluate the placement of existing public piers that facilitate visitor access to harbor area businesses and amenities. Develop recommendations for the repositioning or development of additional piers to improve visitor access. [Girling, Blank]

HARBOR COMMISSION COUNCIL LIAISON PAIRINGS

COUNCIL

COMMISSION

GARDNER

BLANK

CURRY

WEST

SELICH

RHYNE

HILL

AVERY

HENN

GIRLING

DAIGLE

RODHEIM

ROSANSKY

McINTOSH